

CORPORATIONS AND OTHER COMMERCIAL ASSOCIATIONS

Agreement signed at St. Petersburg June 25, 1904, with an understanding

Entered into force June 25, 1904

Senate advice and consent to ratification May 6, 1909,¹ with understanding

Ratified by the President of the United States, with an understanding, June 7, 1909¹

Proclaimed by the President of the United States June 15, 1909

36 Stat. 2163; Treaty Series 526

AGREEMENT

[TRANSLATION]

The Government of the United States and the Imperial Russian Government having judged that it would be mutually useful to regulate the position of Corporations or Stock Companies and other Commercial Associations, industrial or financial, the undersigned, by virtue of the authority which has been vested in them, have agreed as follows:

1. Corporations or Stock Companies, and other industrial or financial commercial organizations, domiciled in one of the two countries, and on the condition that they have been regularly organized in conformity to the laws in force in that country, shall be recognized as having a legal existence in the other country, and shall have therein especially the right to appear before the courts, whether for the purpose of bringing an action or of defending themselves against one.

2. In all cases the said Corporations and Companies shall enjoy in the other country the same rights which are or may be granted to similar companies of other countries.

3. It is understood that the foregoing stipulation or agreement has no bearing upon the question whether a Society or Corporation organized in one of the two countries will or will not be permitted to transact its business

¹ The U.S. understanding stated that the regulations referred to in the third paragraph in the agreement as existing in the several countries refer to and include on the part of the United States the regulations established by and under authority of the several states of the Union.

or industry in the other, this permission remaining always subject to the regulations in this respect existing in the latter country.

This Agreement shall go into force on the 25/12 of June 1904, and shall only be discontinued one year after its denunciation shall have been made by one of the parties to the agreement.

Made in duplicate at St. Petersburg, the 25/12 day of June 1904.

COUNT LAMSDORFF [SEAL]

ROBERT S. McCORMICK [SEAL]

PROTECTION OF TRADEMARKS IN CHINA

Exchange of notes at Peking June 28, 1906

Entered into force June 28, 1906

*Obsolete*¹

Treaty Series 484

The American Minister to the Russian Minister

PEKING, June 28, 1906

MR. MINISTER AND DEAR COLLEAGUE: The Government of the United States being desirous of reaching an understanding with the Government of Russia for the reciprocal protection against infringement in China by citizens and subjects of our respective nations of trade-marks duly registered in the United States and Russia, I am authorized by the Secretary of State of the United States to inform you that the American consular courts in China afford protection against infringement in China by American citizens of trade-marks the property of Russian subjects which have been duly registered in the United States.

I beg that you will kindly inform me whether like protection will be given to American citizens in the consular courts of Russia in China against the infringement by Russian subjects of their trade-marks duly registered in Russia.

I have the honor to be, my dear colleague, your obedient servant,

W. W. ROCKHILL

HIS EXCELLENCY D. POKOTILOV

Envoy Extraordinary and

Minister Plenipotentiary, etc.

Russian Legation, Peking

The Russian Minister to the American Minister

[TRANSLATION]

PEKING, June 28, 1906

MR. MINISTER AND DEAR COLLEAGUE: I have the honor to acknowledge the receipt of your note of to-day's date by which you kindly inform me

¹ The United States relinquished extraterritorial rights in China by treaty of Jan. 11, 1943 (TS 984, *ante*, vol. 6, p. 739, CHINA).

that the Government of the United States being desirous of reaching an understanding with the Imperial Government of Russia concerning the protection in China of trade-marks duly registered in Russia and the United States, you have been authorized to declare that the American consular courts in China have jurisdiction in all matters concerning the infringement by persons subject to the jurisdiction of the United States of trade-marks the property of Russian subjects which have been duly registered in the United States.

Being duly authorized by my Government, I have the honor to inform you that the Imperial Government is equally ready to insure in China through the Russian consular courts protection for trade-marks the property of persons subject to the jurisdiction of the United States and duly registered in Russia which may be infringed by Russian subjects. I deem it necessary, however, to observe that infringements of trade-marks not being considered by the American statutes a criminal offense persons subject to the jurisdiction of the United States having suffered injury can, through reasons of reciprocity, only claim before the Russian courts indemnification for the damages sustained by them.

Please accept, Mr. Minister and dear Colleague, the assurance of my highest consideration.

D. POKOTILOV

HIS EXCELLENCY W. W. ROCKHILL
*Envoy Extraordinary and
Minister Plenipotentiary, etc.
American Legation, Peking*